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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,867	09/18/2003	Carl Phillip Gusler	AUS9 2003 0533 US1	8475

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EXAMINER

LE, LANA N

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,867

Applicant(s)

GUSLER ET AL.

Examiner

Lana N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, 11, 13-16, 18-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168).

Regarding claim 1, Geren et al disclose an assembly suitable for use in a motor vehicle (para. 17), comprising an audio system including at least one speaker (speaker 42; para. 22), the audio system being enabled to receive a mute signal (radio mute) and to respond to the mute signal by muting the audio system output (paras. 20, 25); a control system (data detection/call activity circuit) coupled to the audio system and enabled to alert a signal indicative of an incoming call or message to any of two or more wireless devices within the motor vehicle by asserting the mute signal to mute the output of the audio system via radio mute (para. 25-26; abstract). Geren et al do not specifically disclose the assembly is enabled to respond to a signal indicative of an incoming call or message to any of two or more wireless devices within the motor vehicle by asserting the mute signal to mute the output of the audio system via radio

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incoming call or message (ringing signal) to any of two or more wireless devices by asserting the mute signal to mute the output of the audio system via radio mute (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mute a signal based on an output signal indicating an incoming call to alert the user that there is an incoming call.

Regarding claim 2, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses an indicative signal is a ringing signal produced by any of the two or more of the wireless devices and wherein the control system includes an audio input to detect the ringing signal and in response mute the radio signal (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the indicative signal be a ringing signal in order to allow the incoming call to be heard at the speaker via a ring tone as suggested by Laurila.

Regarding claim 3, Geren et al and Laurila disclose the assembly of claim 2, wherein Laurila discloses the assembly further comprising a set of audio detectors (inherent audio detectors to detect the ringing signal) positioned within the vehicle to detect the ringing of any of the wireless devices, each of the audio detectors being coupled to the audio input port (para. 30).

Regarding claim 5, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses the indicative signal (ringing signal) is generated by the wireless communication device in response to the wireless device receiving an incoming call or message (para. 32).

Regarding claim 7, Geren et al and Laurila disclose the assembly of claim 6, wherein Laurila discloses the non-audible signal comprises an infrared signal (48; fig. 1) and further wherein the control system includes an infrared port enabled to receive the infrared signal (paras. 20, 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an infrared signal in order to send the ring signal at a closed range distance in a piconet network as suggested by Laurila.

Regarding claim 11, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses the indicative signal (ringing signal) is a signal transmitted to any of the wireless devices (46) by a wireless service provider and further wherein the control system is enabled to detect the transmitted signal (para. 32).

Regarding claim 13, Geren et al disclose a wireless communication device including means for transmitting a radio frequency signal, to mute an audio system in proximity to the wireless communication device (para. 20), responsive to the wireless device detecting call activity (para. 25-26; abstract). Geren et al do not disclose transmitting the RF signal responsive to receiving an incoming call or message. Laurila discloses transmitting the RF signal to mute an audio system in proximity to the wireless device responsive to receiving an incoming call or message (para. 26, 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mute based on an output signal indicating an incoming call to alert the user that there is an incoming call.

Regarding claim 14, Geren et al and Laurila disclose the wireless communication device of claim 13, wherein Laurila discloses the radio frequency signal generated by

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the wireless device has a range of less than 50 meters (approx. 10-20 meters; para. 20-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a range of less than 50 meters in order to transmit within the piconet/PAN.

Regarding claim 15, Geren et al and Laurila disclose the wireless communication device of claim 13, wherein Laurila discloses the radio frequency signal comprises a Bluetooth compliant signal (Bluetooth signal; paras. 20, 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have Bluetooth in order to transmit via Bluetooth RF standard having wireless range limited to 10 meters as suggested by Laurila.

Regarding claim 16, Geren et al and Laurila disclose the wireless communication device of claim 13, wherein Laurila does not disclose the radio frequency signal comprises a WiFi compliant signal. However, it is notoriously old and well known in the art to have a WiFi compliant signal in a wireless network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have WiFi in order to have a strong audio signal typical in the wireless radio network in the 802.11b standard.

Regarding claim 18, Geren et al disclose an assembly within a motor vehicle (para. 17), comprising: means for detecting a signal generated by any of two or more wireless communication devices responsive to phone activity (para. 20; abstract), and means for muting an audio system of the motor vehicle responsive to the detecting means (paras. 25-26; abstract). Geren et al do not disclose detecting a signal

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responsive to receiving an incoming call or message. Laurila discloses detecting a signal responsive to receiving an incoming call or message and muting responsive to the detecting (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a signal responsive to receiving an incoming call or message in order to mute the radio when an incoming call alert is signaled to the user.

Regarding claim 19, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the generated signal comprises a signal selected from the set of signals consisting of an audible signal, an infrared signal, and a short range radio frequency signal (paras. 20, 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an audio, infrared, or short range signal in order to transmit within 10-20 meters in the wireless piconet/personal area network.

Regarding claim 21, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the means for muting the audio system include means for restoring the audio system (unmuting the mute signal) responsive to termination of the incoming call or message (paras. 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to unmute the audio signal in order to allow the user to listen the music again.

3. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Deeds (US 2004/0,219,953).

Regarding claim 4, Wavroch et al and Laurila disclose the assembly of claim 2, wherein Wavroch et al and Laurila do not disclose the control system is further enabled to learn characteristics of the ringing signal of a particular wireless device, and wherein the control system is enabled to respond with the mute signal selectively to learned ringing signals. Deeds discloses the control system is further enabled to learn characteristics of the ringing signal of a particular wireless device, and wherein the control system is enabled to respond with the mute signal selectively to learned ringing signals (paras. 28, 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to learn characteristics of the ringing signal of a particular wireless device in order to identify which mobile the ring signal is generated from to mute the radio based on stored ringing tones.

Regarding claim 20, Geren et al and Laurila disclose the assembly of claim 18, wherein Geren et al and Laurila do not disclose the means for detecting are further characterized as means for detecting a signal generated by a selected wireless communication device. Deeds et al disclose the means for detecting are further characterized as means for detecting a signal generated by a selected wireless communication device (paras. 28, 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a signal based on a particular wireless device in order to identify which mobile the ring signal is generated from to mute the radio based on stored ringing tones.

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4. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Wavroch et al (US 5,404,391).

Regarding claim 6, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 5, wherein Geren et al and Laurila do not disclose the indicative signal is a non-audible signal. Wavroch et al disclose the indicative signal is a non-audible signal (vibrating mode; col 4, lines 40-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a non audible signal in order to provide versatile types of alert signals based on user' preferences and where the mobile is located.

Regarding claim 8, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 6, wherein Wavroch et al disclose the indicative signal is a non-audible signal and Laurila discloses the indicative signal comprises a radio frequency signal and further wherein the control system includes an antenna (72; fig. 5) suitable for receiving the radio frequency signal (paras. 20, 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a radio signal in order to establish a radio link between the mobile telephone and another device.

Regarding claim 9, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 8, wherein Laurila discloses the radio signal is a Bluetooth compliant signal (PAN signal; paras. 20, 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have Bluetooth in order to transmit via

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Bluetooth RF standard having wireless range limited to 10 meters as suggested by Laurila.

Regarding claim 10, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 6, wherein Wavroch et al disclose the indicative signal is a digital signal transmitted from the wireless device to the control system via a cable connecting at least one of the wireless devices to a digital input port of the control system (col 4, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send the indicative signal through a cable in order to send the alert signal through the control system of the car mounted wireless device.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Cannon et al (US 2003/0,032,460).

Regarding claim 12, Geren et al and Laurila disclose the assembly of claim 11, wherein Geren et al and Laurila do not disclose the control system includes means for enabling a user to specify telephone numbers of wireless devices to define the set of wireless devices for which the control system asserts the mute signal. Kondo et al disclose a control system includes means for enabling a user to specify telephone numbers of wireless devices to define the set of wireless devices for which the control system asserts the mute signal (para. 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify telephone numbers of wireless devices in order to store specific phone numbers in order to identify certain mobile devices by the driver to send the control signal as suggested by Cannon et al.

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6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Logan et al (US 2005/0,153,729).

Regarding claim 17, Geren et al and Laurila disclose the wireless communication device of claim 13, wherein Geren et al and Laurila do not disclose in addition to indicating the incoming call or message, the radio frequency signal generated by the wireless device is indicative of the phone number from which the call or message originated. Logan et al disclose a device wherein the radio frequency signal generated by the wireless device is indicative of the phone number from which the call or message originated (para. 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the wireless device be indicative of the phone number from which the call originated in order to show caller id information.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana N. Le

Lana N. Le
02-03-06
LANA LE
PRIMARY EXAMINER